

HOUSE BILL 1477
By Fitzhugh

AN ACT to amend Tennessee Code Annotated, Title 43, Chapter 6, Part 4, relative to boll weevil eradication.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 43-6-423, is amended by deleting subsections (e)-(h) and by substituting instead the following:

(e) The assessments collected by the department under this part, less such amounts as may be authorized in the General Appropriations Act for administration of this part, shall be promptly remitted to the state treasurer.

(f) There is hereby created within the state treasury a fund to be known as the "boll weevil eradication fund." All funds received, appropriated or otherwise coming under this part, and all funds deposited within the certified cotton growers' organization fund on the effective date of this act, shall be deposited into the state treasury to the credit of the boll weevil eradication fund. The commissioner shall administer the fund and make payments from the fund in the same manner as other state agencies for the administration and implementation of the purposes of this part. Notwithstanding any provisions of law to the contrary, no funding allocated from the boll weevil eradication fund shall be

directly or indirectly disbursed to the southeastern boll weevil eradication foundation, or its successor entity, by the commissioner or by the certified cotton growers' organization unless such disbursement is jointly approved in advance by the comptroller of the treasury, the state treasurer and the commissioner of finance and administration. Such advance approval shall be given only to the extent that there are adequate and reasonable grounds to believe that the disbursement will be used efficiently and effectively by the foundation acting in good faith for the benefit of affected cotton growers and in full accordance with the purpose and intent of this part. Amounts in the fund at the end of any fiscal year shall not revert to the general fund but shall remain available to the commissioner of agriculture for the purposes as set forth in this part. If the eradication program is discontinued or if certification of the cotton growers' organization is revoked by the commissioner, then any funds remaining in the boll weevil eradication fund, at such time, may be paid out by the commissioner for existing obligations and for closing the affairs of the boll weevil eradication program. Any funds remaining over and above those required for completing the business of the program shall be paid by the commissioner to the contributing growers on a pro rata basis.

(g) The commissioner, with the approval of the board of directors of the certified cotton growers' organization, may grant waivers of timely payments of assessments, when a grower can show that assessments will cause an undue financial burden or bankruptcy. Such waivers shall not exceed six (6) months in length, and shall be subject to an equitable rate of interest.

(h) All boll weevil eradication program records maintained by the commissioner or the certified cotton growers' organization shall be audited at

least annually by the comptroller of the treasury or the comptroller's designated representative.

SECTION 2. The provisions of this act shall not be construed or implemented to impair the terms of any valid and binding contract in existence on the effective date of this act.

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.